

**Introduced by Senator Kehoe**

January 4, 2005

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An act to amend Section 65302.1 of the Government Code, relating to general plans.

LEGISLATIVE COUNSEL'S DIGEST

SB 44, as amended, Kehoe. General plans: air quality element.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land. Existing law specifically requires the legislative body of each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to amend appropriate elements of its general plan to include specified information to improve air quality.

This bill would make ~~a legislative findings and declarations regarding finding that~~ air pollution ~~problems is a serious problem~~ in this state. The bill additionally would require the legislative body of each city and county, ~~other than~~ including those in the San Joaquin Valley Air Pollution Control District, to amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality no later than one year from the date specified for the next revision of its housing element.

The bill would also require each city and county, at least 45 days prior to the adoption of *an* air quality ~~amendments to element or the amendment of~~ a general plan, to send a copy of the draft document to the air quality management district or air pollution control district in which it is located for review and comment, as specified. By increasing the duties of local public officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65302.1 of the Government Code is  
2 amended to read:  
3 65302.1. (a) The Legislature finds and declares ~~all of the~~  
4 ~~following:~~  
5 ~~(1) that~~ California has a serious air pollution problem that ~~will~~  
6 ~~take is the result of many factors, including pollution from both~~  
7 ~~mobile and stationary sources. Solving this problem requires the~~  
8 ~~cooperation of land use and transportation planning agencies,~~  
9 ~~transit operators, the business and development community,~~  
10 ~~communities, air quality management districts, air pollution~~  
11 ~~control districts, and the public to solve.~~  
12 ~~(2) The solution to the problem requires changes in the way~~  
13 ~~we have traditionally built our communities and constructed the~~  
14 ~~transportation systems. It involves a fundamental shift in~~  
15 ~~priorities from emphasis on mobility for the occupants of private~~  
16 ~~automobiles to a multimodal system that more efficiently uses~~  
17 ~~scarce resources. It requires a change in attitude from the public~~  
18 ~~to support development patterns and transportation systems~~  
19 ~~different from the status quo.~~  
20 ~~(3) Air quality guidelines are recommended strategies that do,~~  
21 ~~when it is feasible, all of the following:~~

1 ~~(A) Determine and mitigate project level and cumulative air~~  
2 ~~quality impacts under the California Environmental Quality Act~~  
3 ~~(CEQA) (Division 13 (commencing with Section 21000) of the~~  
4 ~~Public Resources Code).~~

5 ~~(B) Integrate land use plans, transportation plans, and air~~  
6 ~~quality plans.~~

7 ~~(C) Plan land uses in ways that support a multimodal~~  
8 ~~transportation system.~~

9 ~~(D) Local action to support programs that reduce congestion~~  
10 ~~and vehicle trips.~~

11 ~~(E) Plan land uses to minimize exposure to toxic air pollutant~~  
12 ~~emissions from industrial and other sources.~~

13 ~~(F) Reduce particulate matter emissions from sources under~~  
14 ~~local jurisdiction.~~

15 ~~(G) Support district and public utility programs to reduce~~  
16 ~~emissions from energy consumption and area sources.~~

17 ~~(4) The benefits of including air quality concerns within local~~  
18 ~~general plans include, but are not limited to, all of the following:~~

19 ~~(A) Lower infrastructure costs.~~

20 ~~(B) Lower public service costs.~~

21 ~~(C) More efficient transit service.~~

22 ~~(D) Lower costs for comprehensive planning.~~

23 ~~(E) Streamlining of the permit process.~~

24 ~~(F) Improved mobility for the elderly and children.~~

25 ~~(b) The legislative body of each city and county shall either~~  
26 ~~adopt an air quality element as part of its general plan or amend~~  
27 ~~the appropriate elements of its general plan, which may include,~~  
28 ~~but are not limited to, the required elements dealing with land~~  
29 ~~use, circulation, housing, conservation, and open space, to~~  
30 ~~include data and analysis, analyses, goals, policies, and~~  
31 ~~objectives, and feasible implementation strategies to improve air~~  
32 ~~quality.~~

33 ~~(c) The adoption of air quality amendments to an air quality~~  
34 ~~element or the amendment of a general plan to comply with the~~  
35 ~~requirements of subdivision (d) (b) shall include all of the~~  
36 ~~following:~~

37 ~~(1) A report describing local air quality conditions including~~  
38 ~~air quality monitoring data, emission inventories, lists of~~  
39 ~~significant source categories, attainment status and designations,~~  
40 ~~and applicable state and federal air quality plans and~~

1 transportation plans. *This report shall include a summary of*  
2 *local, district, state, and federal policies, programs, and*  
3 *regulations that may improve air quality in the city or county.*

4 ~~(2) A summary of local, district, state, and federal policies,~~  
5 ~~programs, and regulations that may improve air quality in the city~~  
6 ~~or county.~~

7 ~~(3)–~~

8 (2) A comprehensive set of goals, policies, and objectives that  
9 ~~may improve air quality consistent with the strategies listed in~~  
10 ~~paragraph (3) of subdivision (a).~~ *may improve air quality.*

11 ~~(4)–~~

12 (3) A set of feasible implementation measures designed to  
13 carry out those goals, policies, and objectives.

14 (d) At least 45 days prior to the adoption of ~~air quality~~  
15 ~~amendments to an air quality element or the amendment of a~~  
16 general plan pursuant to this section, each city and county shall  
17 send a copy of its draft document to the air quality management  
18 district or air pollution control district in which the city or county  
19 is located. The district may review the draft *elements or draft*  
20 amendments to determine whether they may improve air quality  
21 consistent with the strategies listed in paragraph (3) of  
22 subdivision (a). Within 30 days of receiving the draft *elements or*  
23 *draft* amendments, the district shall send any comments and  
24 advice to the city or county. The legislative body of the city or  
25 county shall consider the district's comments and advice prior to  
26 the final adoption of air quality amendments to the general plan.  
27 If the district's comments and advice are not available by the  
28 time scheduled for the final adoption of ~~air quality~~ *the air quality*  
29 *element or* amendments to the general plan, the legislative body  
30 of the city or county may act without them. The district's  
31 comments shall be advisory to the city or county.

32 (e) (1) The legislative body of each city and county within the  
33 jurisdictional boundaries of the San Joaquin Valley Air Pollution  
34 Control District shall comply with this section no later than one  
35 year from the date specified in Section 65588 for the next  
36 revision of its housing element that occurs after January 1, 2004.

37 (2) The legislative bodies of all other cities and counties shall  
38 comply with this section no later than one year from the date  
39 specified in Section 65588 for the next revision of its housing  
40 element that occurs after January 1, 2006.

1     *SEC. 2. Nothing in this act shall be interpreted to expand the*  
2     *application of the California Environmental Quality Act*  
3     *(Division 13 (commencing with Section 21000) of the Public*  
4     *Resources Code), the existing authorities of the affected local*  
5     *governments, or any air quality management district or air*  
6     *pollution control district.*

7     ~~SEC. 2.—~~

8     *SEC. 3.* The Legislature finds and declares that Sections  
9     65104 and 66014 of the Government Code provide local agencies  
10    with authority to levy fees sufficient to pay for the program or  
11    level of service mandated by this act.

12    ~~SEC. 3.—~~

13    *SEC. 4.* No reimbursement is required by this act pursuant to  
14    Section 6 of Article XIII B of the California Constitution because  
15    a local agency or school district has the authority to levy service  
16    charges, fees, or assessments sufficient to pay for the program or  
17    level of service mandated by this act, within the meaning of  
18    Section 17556 of the Government Code.